IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 807 of 2006 (M/B)

1. Devendra Singh S/o Laxman Singh,
   R/o Village Ghuni No. 2,
   P.S. Haldwani, District Nainital.
2. Jaswant Singh @ Gola S/o Sri Malkeet Singh,
   R/o Village Kalyalpur, Kamalwagaja,
   P.S. Haldwani, District Nainital.
3. Rajendra Singh S/o Late Bhadur Singh,
   R/o Pili Kothi, Kaladhungi Road,
   Haldwani, District Nainital. ..... Petitioners

Versus

1. State of Uttaranchal,
   through Secretary, Home Affairs,
   Dehradun.
2. Station House Officer,
   P.S. Mallital through S.S.P. Nainital,
   District Nainital.
3. Rajeev Mehta S/o Late M.R. Mehta,
   R/o Vishnupuri, Gali No. 10,
   Bareilly Road, Haldwani. ..... Respondents

Mr. R.S. Sammal, Advocate for the petitioners.
Mr. H.C. Pande, Addl. Government Advocate for respondents Nos. 1 & 2.
Mr. Lalit Sharma, Advocate for respondent No. 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. R. S. Sammal, Advocate for the petitioners.

Mr. H.C. Pande, Addl. Government Advocate for respondents Nos. 1 & 2.

Mr. Lalit Sharma, Advocate for respondent No. 3.

They are heard on admission.

2. Petitioners Devendra Singh, Jaswant Singh and Rajendra Singh have filed this writ petition for the following reliefs:

> "i) Issue a writ, order or direction in the nature of Certiorari quashing the impugned First information report dated 16.6.2006 registered as Case Crime No. 1829 / 2006, under section 307, 325, 504, 506, I.P.C. Police Station Mallital District Nainital.

ii) Issue a writ, order or direction in the nature of mandamus commanding the Respondent No. 1 & 2. not to arrest the petitioners in pursuance of FIR dated 16.6.2006 registered at Case Crime No. 1829 / 2006, under section 307, 325, 504, 506 I.P.C. Police Station Mallital, District Nainital.

iii) Issue any other approriate writ, order or direction which this Hon'ble court deems fit & proper under the circumstances of the case.

iv) Award cost of the Petition."

3. The petitioners are apprehending their arrest for their alleged involvement in Crime No.1829 of 2006 registered at Police Station Mallital, District Nainital for the alleged commission of the offences punishable under Sections 307, 325, 504 and 506 of the I.P.C.

4. According to the First Information Report lodged by respondent No. 3 Rajeev Mehta, the petitioners are alleged to have attempted at his life by causing multiple injuries on him.

5. On due consideration of the submissions of the learned counsel for the parties and the allegations against petitioners Devendra Singh, Jaswant Singh and Rajendra Singh in the First Information Report, we are of the opinion that it is not a fit case for grant of any of the reliefs sought by the petitioners in the writ petition. We are refraining from commenting on the merits of the case lest it may prejudice the petitioners' case at the trial, which they are yet to face.

6. The writ petition, therefore, is liable to be dismissed and is, hereby, dismissed summarily.

7. Consequently, CLMA No. 8466 of 2006 also stands dismissed.

(Prafulla C. Pant, J.) 10.07.2006

(Rajeev Gupta, C. J.) 10.07.2006

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